



RON CHAPMAN, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

March 11, 2013

Certified Mail
7011 2000 0001 1428 7174

Agate Bay Water Company
P.O. Box 444
Carmelien Bay, CA 96140

Attention: Duncan Davis, President

**Subject: Public Water System No. 3110012,
Compliance Order 01-02-13R-001-3110012-22**

Enclosed is the subject compliance order, issued to the Agate Bay Water Company (Company) for non-compliance with the Total Coliform maximum contaminant level. The Order provides specific actions that the Company must take to help achieve compliance with the Total Coliform Rule as well as public notification requirements. You should carefully review the Order and take appropriate action.

Section 116577 of the California Safe Drinking Water Act provides for our Department to be reimbursed by the public water system for costs associated with preparing and issuing an enforcement action to that system. In accordance with Section 116577, the Company will be billed for the preparation and issuance of this letter and compliance order. Approximately three hours were spent preparing this letter and compliance order, and currently our costs are approximately \$126 per hour.

If you have any questions, please contact Michael Burgess at (530) 224-6506 or me at (530) 224-4800.

Michael J. McNamara, P.E.
Lassen District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosures

cc: Steven Glazer, Agate Bay Water Company Manager
Richard L. Hinrichs, Chief, DDWEM-Northern California Section
CPUC, Maria Del Carmen Rocha, Utilities Engineer
Placer County Department of Environmental Health

3110012/Enforcement
2012 TCR CO Cvr Ltr/mtb

1
2 STATE OF CALIFORNIA
3 DEPARTMENT OF PUBLIC HEALTH

4 IN RE: Agate Bay Water Company
5 P.O. Box 444
6 Carnelian Bay, CA 96140

7 TO: Duncan Davis, President
8

9 COMPLIANCE ORDER

10 Compliance Order Number 01-02-13R-001-3110012-22

11 SYSTEM NO. 3110012
12

13 STATEMENT OF FACTS
14

15 Agate Bay Water Company (hereinafter, Company) is currently operating its water system
16 under a domestic water supply permit (Permit No. 73-006) issued by the Department of Public
17 Health (hereinafter, Department) on March 13, 1973, and amended on August 6, 2001.
18

19 The Company is a community water system, as defined in California Health and Safety Code
20 (CHSC), section 116275. The Company serves an estimated year-round population of 250
21 and an estimated maximum daily population of 2,500 through 580 active service connections.
22 The Distribution system contains two pressure zones, known as the Lake Zone and the
23 Spring Zone. Each zone contains a single gravity storage tank. Water is supplied to the
24 Spring Zone from the spring through the Spring Tank.
25
26
27



1 The active source of the water supply for the Company consists of an untreated spring
2 source, which primarily supplies the Spring Zone and a surface water intake on Lake Tahoe,
3 which receives filtration and chlorination and primarily supplies the Lake Zone.

4
5 As more fully set forth below, the Department is informed and believes that the Company is in
6 violation of Title 22, Sections 64654(b)(2) and Section 64426.1(b)(2) of the California Code of
7 Regulations (CCR) and Section 116555(a)(1) of the California Health and Safety Code
8 (CHSC).

9
10 During the past 12 months the Company has failed the total coliform standards during the
11 months of June 2012, July 2012, October 2012, and December 2012. On March 30, 2012,
12 the Department issued Citation 01-02-10(C)006 to the Company for failure to meet the total
13 coliform standards contained in Title 22, Section 64426.1(b)(2) of the CCR; specifically, that
14 two of the ten samples collected by the Company in November 2011 and two of the ten
15 samples collected by the Company in February 2012 tested positive for total coliform bacteria.
16 The Citation required the Company to provide public notification of these failures. The
17 Company certified that the notification was provided to their customers on July 12, 2012, in
18 the manner prescribed in the Citation.

19
20 On June 22, 2012, the two routine bacteriological samples collected from the Spring Zone
21 tested positive for total coliform bacteria but negative for E. coli, and the two routine samples
22 collected from the Lake Zone on June 22, 2012, both tested absent for total coliform bacteria.
23 On June 25, 2012, six repeat samples were collected from the distribution system as well as
24 one sample from the spring source and one sample at the first connection in the distribution
25 system adjacent to the spring source entry point. The sample collected from the spring
26 collection system as well as a sample collected on North Lake Tahoe Boulevard both tested
27 absent for total coliform bacteria. The remaining six samples including one collected from the



1 entry point to the Spring Zone all tested positive for total coliform bacteria but absent for
2 E. coli.

3
4 On the morning of June 27, 2012, the Company began disinfecting the water system through
5 the addition of 12.5% sodium hypochlorite solution to the spring box. Later on June 27, 2012,
6 the Department undertook a field investigation of the water system in an attempt to identify the
7 cause of the contamination, including the collection of six bacteriological samples and
8 nine chlorine residual samples from the Spring Zone and Spring Tank as well as a visual
9 inspection of the Spring and Spring Tank.

10
11 During the investigation, the Department staff noted that there were some narrow openings
12 between the wood beams that form the sides of the spring collection box and what appeared
13 to be several dozen 4-inch to 6-inch diameter rocks inside the Spring Tank in the vicinity of
14 the inlet, but there were no unscreened openings that could allow rocks of this size to enter
15 the tank. Two chlorine residual samples collected at 5781 Zimba Court and 644 Pretoria
16 contained no measurable chlorine. Both of these sites are located in the northwest area of
17 the Spring Zone. The lack of a measurable chlorine residual at these sites indicates that the
18 distribution system was not flushed adequately to ensure the disinfection of all distribution
19 system mains. The Company reportedly flushed the northwest area of the Spring Zone on
20 June 28, 2012, until there was a measurable chlorine residual in this area of the system as
21 well, and sealed the openings in the spring collection box, which was later verified during
22 another field investigation by the Department.

23
24 On July 5, 2012, the Company collected five routine bacteriological samples, three from the
25 Spring Zone and two from the Lake Zone. All three samples collected from the Spring Zone
26 once again tested positive for total coliform bacteria and absent for E. coli, while the samples
27 collected from the Lake Zone tested absent for total coliform as well as E. coli bacteria. Four



1 routine samples were collected from the distribution system on August 9, 2012. One sample
2 tested positive for total coliform bacteria and three repeat samples were collected on
3 August 13, 2012. All three repeat samples tested absent for total coliform bacteria. Four
4 routine samples collected from the distribution system during September 2012 also tested
5 absent for total coliform bacteria. Once again there was no E. coli bacteria detected in any of
6 the samples.

7
8 On October 11, 2012, the Company collected four routine bacteriological samples, two from
9 the Spring Zone and two from the Lake Zone. One of the samples collected from the Spring
10 Zone tested positive for total coliform bacteria, and a total of four repeat samples were
11 collected, including one sample from the spring source. All three repeat samples collected
12 from the Spring Zone tested positive for total coliform and absent for E. coli. The spring
13 source tested absent for total coliform as well as E. coli bacteria. An MPN analysis was
14 performed on the repeat samples and the total coliform density ranged from a low of 12.2 total
15 coliform per 100 ml to a high of 52.9 total coliform per 100 ml. All three samples were
16 collected within five service connections of each other on North Lake Boulevard. Six samples
17 collected from the distribution system and a sample collected from the spring source during
18 November 2012 all tested absent for total coliform bacteria.

19
20 Two of the five routine samples collected from the distribution system on December 13, 2012,
21 tested positive for total coliform bacteria, and one of those samples tested positive for E. coli
22 bacteria. The Department received the results from the lab on December 14, 2012; and that
23 same day, the Department directed the Company to issue a "Boil Water" Advisory. The
24 Company reported that the "Boil Water" Advisory was hand delivered to each customer on
25 December 15, 2012. Following chlorination of the Spring Tank and flushing of the distribution
26 system, a total of nine samples were collected, six from the distribution system, one from the
27 spring box inlet, one from the Spring Tank inlet, and one from the Spring Tank outlet. The



1 sample collected from the Spring Tank outlet tested positive for total coliform bacteria. All
2 remaining samples tested absent for total coliform bacteria, and all nine samples tested
3 absent for E. coli.

4
5 Two additional samples collected from the distribution system on December 26, 2012, both
6 tested absent for total coliform bacteria as well as absent for E. coli. However, since there
7 was a measurable chlorine residual at the tank outlet that may have been masking continued
8 contamination of the tank and since the Company does not provide continuous chlorination of
9 the water supplied by the spring, the "Boil Water" Advisory remained in place for the Spring
10 Zone. On January 3, 2013, the Company reported that there was no measurable chlorine
11 residual in the distribution system or at the Spring Tank outlet, and they had collected five
12 samples from the distribution system, one sample from the Spring Tank inlet, and one sample
13 from the Spring Tank outlet. All seven samples tested absent for total coliform bacteria, and
14 the "Boil Water" advisory was lifted on January 4, 2013.

15
16 Title 22, Section 64654(b)(2) of the CCR requires a water system supplying treated surface
17 water to maintain a measurable chlorine residual in the distribution system. In order to meet
18 system demands, at times the Company has pumped water from the Lake Zone, which
19 receives treated surface water, into the Spring Zone. Since the Company does not provide
20 chlorination of the spring source, they have reportedly been unable to consistently maintain a
21 measurable chlorine residual within the Spring Zone as required when the Spring Zone is
22 receiving treated surface water from the Lake Zone. At times in the past, the Company has
23 also supplied excess water from the Spring Zone into the Lake Zone. Reportedly, the
24 Company has discontinued this practice due to the difficulty they had maintaining the required
25 measurable chlorine residual in the Lake Zone, while they were doing this.



APPLICABLE AUTHORITIES

Title 22, Section 64426.1(b)(2) of the CCR states:

b) A public water system is in violation of the total coliform MCL when any of the following occurs:

(2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive;

Section 64463.4 of the CCR states in relevant part:

(b) Each water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the Department's written approval based on the violation or occurrence having been resolved and the Department's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(c) Each water system shall deliver the notice, in a manner designed to reach persons served; within the required time period as follows:

(1) Unless otherwise directed by the Department in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and



1 (B) Use of one or more of the following methods to reach persons not likely to be
2 reached by a mailing or direct delivery (renters, university students, nursing home patients,
3 prison inmates, etc.):

- 4 1. Publication in a local newspaper;
- 5 2. Posting in conspicuous public places served by the water system, or on the
6 Internet; or
- 7 3. Delivery to community organizations.

8
9 Title 22, Section 64654(b) of the CCR states in relevant part:

10 (b) Disinfection treatment shall comply with the following performance standards:

11 (1) Water delivered to the distribution system shall not contain a disinfectant residual
12 of less than 0.2 mg/l for more than four hours in any 24 hour period.

13 (2) The residual disinfectant concentrations of samples collected from the distribution
14 system shall be detectable in at least 95 percent of the samples taken each month that the
15 system serves water to the public, except as provided in subsection (c). At any sample point
16 in the distribution system, the presence of heterotrophic plate count (HPC) at concentrations
17 less than or equal to 500 colony forming units per milliliter shall be considered equivalent to a
18 detectable disinfectant residual.

19
20 Title 22, Section 64600(a)(4) of the CCR states in relevant part:

21 (a) If directed by the Department to do so based on an identified deficiency in the system's
22 operations, a water system shall develop and submit a Water System Operations and
23 Maintenance Plan (Plan); the water system shall include those elements in the following list
24 that are deemed by the Department to be relevant to the deficiency:

25
26 (4) The schedule for routine inspection of reservoirs, and the procedures for cleaning
27 reservoirs;



Section 116555 of the California Health and Safety Code (CHSC) states in relevant part:

a) Any person who owns a public water system shall ensure that the system does all of the following:

(1) Complies with primary and secondary drinking water standards.

(3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116655 of the CHSC states in relevant part:

a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventive action be taken in the case of a threatened violation..

b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(1) That the existing plant, works, or system be repaired, altered, or added to.

(2) That purification or treatment works be installed.

(3) That the source of the water supply be changed.

(4) That no additional service connection be made to the system.

(5) That the water supply, the plant, or the system be monitored.

(6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.



DETERMINATIONS

Based upon the above-described Findings of Fact, the Department determines that the Company has violated the following:

1. Section 116555(a)(1) of the CHSC; specifically, the Company failed to provide water meeting primary drinking water standards for coliform bacteria during the months of June 2012, July 2012, October 2012, and December 2012.
2. Section 116555(a)(3) of the CHSC; specifically, the Company failed to ensure the system was provided with a reliable and adequate supply of pure, wholesome, healthful, and potable water.
3. Title 22, Section 64426.1(b)(2) of the CCR; specifically, both routine bacteriological samples and five of six repeat samples collected from the Spring Zone during June 2012 tested positive for total coliform bacteria but absent for E. coli. All three samples collected from the Spring Zone during July 2012 tested positive for total coliform bacteria but absent for E. coli. One of four routine bacteriological samples and all three repeat samples collected from the Spring Zone during October 2012 tested positive for total coliform bacteria but absent for E. coli. Two of the five routine bacteriological samples collected during December 2012 tested positive for total coliform and one of those tested positive for E. coli.



ORDER

Pursuant to Section 116655, Article 9, Chapter 4, Part 12, Division 104 of the California Health and Safety Code, the Department and its Director hereby orders and directs the Company to:

Directive 1. The Company shall comply with the total coliform standards required by Title 22, Section 64426.1(b)(2).

Directive 2. In accordance with Title 22, Section 64463.4 of the CCR, by no later than April 8, 2013, the Company shall provide public notification for the total coliform MCL violations for the months of June 2012, July 2012, and October 2012 as follows:

a) By mail or hand delivery of the notice contained in Attachment A to each person served by the Company.

And

b) By publication of the notice contained in Attachment A in a local newspaper or by posting in conspicuous public places served by the Company.

Directive 3. By no later than April 18, 2013, the Company shall send this office a copy of your notification, a description of the methods used, and a signed statement that indicates the date the notification was provided by the Company. Completing and returning the "CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION" form (Attachment B) fulfills this requirement.



1 Directive 4. By no later than April 18, 2013, the Company shall send this office a copy of the
2 Boil Water Advisory issued on December 15, 2012, and a signed statement that indicates the
3 date the notification was provided by the Company. Completing and returning the
4 "CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION" form (Attachment C)
5 fulfills this requirement.

6
7 Directive 5. By no later than May 8, 2013, the Company shall provide the Department with a
8 plan and schedule for ensuring that all water supplied by the Company meets the total
9 coliform standards as shown in Title 22, Section 64426.1(b)(2) and that a measurable chlorine
10 residual is maintained at all times and in all pressure zones that are supplied with treated
11 surface water.

12
13 Directive 6. In accordance with Title 22, Section 64600 of the CCR, by no later than May 8,
14 2013, the Company shall submit an operations and maintenance plan for the Company's
15 distribution reservoirs. The plan shall include a schedule for routine inspections of the Spring
16 and Lake Tanks and the procedures for cleaning and disinfection of the Spring and Lake
17 Tanks.

18
19 The Department reserves the right to make such modifications to this Order as it may deem
20 necessary to protect public health and safety. Such modifications may be issued as
21 amendments to this Order and shall be effective upon issuance.

22
23 All submittals required by this Order shall be submitted to the Department at the following
24 address:

25
26 Michael J. McNamara, P.E.
27 Lassen District Engineer
Drinking Water Field Operations
Division of Drinking Water and Environmental Management



Department of Public Health
364 Knollcrest Dr., Suite 101
Redding, California 96002

The Company's failure to comply with any directive set forth in this Order by the time proscribed herein, may result in further administrative and/or judicial enforcement action against the Company, including imposition of administrative penalties in the amount of \$200. per day per violation, pursuant to the California Health and Safety Code, Section 116650, and/or civil penalties as permitted by law, including without limitation California Health and Safety Code, Section 116725.

The State of California shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by the Company, its employees, agents, or contractors in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by the Company or its agents in carrying out activities pursuant to this Order. By issuance of this Order, the Department does not waive its right to take any further or additional enforcement action(s) against Company.

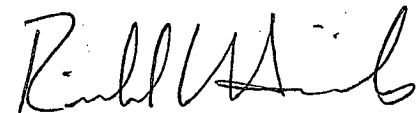
PARTIES BOUND

This Order shall apply to and be binding upon the Company, its officers, directors, agents, employees, contractors, successors, and assignees.



SEVERABILITY

The directives of this Order are severable, and Company shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.



Richard L. Hinrichs, P.E., Chief
Northern California Section
DRINKING WATER
FIELD OPERATIONS BRANCH

3/11/13
Date

Attachments

A – Public Notification Form

B – Certification of Public Notification Form

C – Certification of Public Notification Form

Certified Mail No. 7011 2000 0001 1428 7174



IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.

Tradúzcalo o hable con alguien que lo entienda bien.

Agate Bay Water Company Had Levels of Coliform Bacteria Above the Drinking Water Standard

Our water system violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We collected a total of 11 samples from the water system to test for the presence of coliform bacteria during June 2012. Eight of our samples showed the presence of total coliform bacteria. Five samples were collected during July 2012. Three of these samples also tested positive for total coliform bacteria but absent for *E. coli*. Seven samples were collected during October 2012. Four of these samples tested positive for total coliform bacteria. The standard is that no more than one sample per month may test positive for coliform bacteria. **None of the samples collected during June, July, or October of 2012 tested positive for *E. coli*.**

What should I do?

- **You do not need to boil your water or take other corrective actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the system's water source or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing, and further testing shows that this problem has been resolved.**
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1(800) 426-4791.

- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

The cause of the contamination has not been determined; however, each of the samples that tested positive for coliform bacteria were collected in the Company's spring fed portion of the water system. The Company has been ordered by the Department of Public Health to submit a plan and schedule for ensuring future compliance with all drinking water standards. Among other items, the Company plans to install chlorination equipment for the purpose of providing continuous chlorination of the water provided by the Company's spring source.

For more information, please contact Duncan Davis at (530) 546-3337 or P.O. Box 444, Carnelian Bay, CA 96140.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents (if the students are minors).
- RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS (including nursing homes and care facilities): Must notify tenants.
- BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS: Must notify employees of businesses located on the property.

This notice is being sent to you by Agate Bay Water Company.

State Water System ID#: 3110012 . Date distributed: _____

CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

This form, when completed and returned to the Division of Drinking Water and Environmental Management (364 Knollcrest Drive, Suite 101, Redding, CA 96002), serves as certification that public notification to water users was completed as required by the California Water Quality and Monitoring Regulations. Completing public notification and providing the Department with certification is important. Failure to do so will result in additional hourly time charges to your water utility and may result in a formal enforcement action with monetary penalties.

Public Water System Name Agate Bay Water Company

Public Water System No. 3110012

Public notification for the **June 2012, July 2012, and October 2012** bacteriological failures was performed by the following method(s) (check and complete those that apply):

☐ The notice was published in the local newspaper on _____. A copy of the newspaper notice is attached.

☐ The notice was mailed to users on _____. A copy of the notice is attached.

☐ The notice was hand delivered to water customers on _____. A copy of the notice is attached.

☐ The attached notice was posted in the following conspicuous places:

For this method, provide the date (or dates) that the notice was posted _____.

I hereby certify that the above information is factual.

Printed Name

Signature

Date

CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

This form, when completed and returned to the Division of Drinking Water and Environmental Management (364 Knollcrest Drive, Suite 101, Redding, CA 96002), serves as certification that public notification to water users was completed as required by the California Water Quality and Monitoring Regulations. Completing public notification and providing the Department with certification is important. Failure to do so will result in additional hourly time charges to your water utility and may result in a formal enforcement action with monetary penalties.

Public Water System Name Agate Bay Water Company

Public Water System No. 3110012

Public notification for the **December 2012** bacteriological failures was performed by the following method(s) (check and complete those that apply):

☐ The notice was published in the local newspaper on _____. A copy of the newspaper notice is attached.

☐ The notice was mailed to users on _____. A copy of the notice is attached.

☐ The notice was hand delivered to water customers on _____. A copy of the notice is attached.

☐ The attached notice was posted in the following conspicuous places:

For this method, provide the date (or dates) that the notice was posted _____.

I hereby certify that the above information is factual.

Printed Name

Signature

Date